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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Timothy A. Brisson
Sierra Patent Group, Ltd.
P.O. Box 6149
Stateline, NV 89449

EXAMINER

PATEL, DHAIRYA A

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/910,680

Applicant(s)

SCHREMPF ET AL.

Examiner

Dhairya A. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-29, 31-35 and 37-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-29, 31-35 and 37-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/28/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communication filed on 2/15/2005. Claims 1-4,6-29,31-35 and 37-59 are subject to examination. Claims 5,30,36 are cancelled.
2. Applicant's arguments have been mooted in view of new grounds of rejections.

Claim Objections

3. Claim 37 objected to because of the following informalities:

In claim 37, it is dependent on claim 36, but claim 36 is cancelled. Therefore the dependency of claim 37 should be changed. Examiner assumed the claim is dependent on claim 31. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4,6-8,11,13,16-19,22-23,26,31-34,37-39,42-44,47,48-50,52-55,58,59 are rejected under 35 U.S.C. 102(b) as being anticipated by Lert Jr. et al. U.S. Patent # 4,230,990 (hereinafter Lert1).

As per claim 1, Lert1 teaches a playlist generation system comprising:

-at least one analysis module (Fig. 1 element 26) for receiving signals that include data for an unknown work (column 10 lines 10-20), analyzing said data of said unknown work, generating a representation of said unknown work from said data of said

unknown work, and transmitting said data over network to an identification server (column 10 lines 26-32);

The reference teaches field monitor (analysis module) receiving the broadcast signals which consists of broadcast program (data) to derive the identity of unknown program identity. The broadcast program (data) is sent to the system's central computer (ID server) by telecommunication link (over network).

-at least one identification (ID) server (Fig. 1 element 28) for receiving said representation from said at least one analysis module and determining the identity of said unknown work from said representation (column 10 lines 38-44)

The reference teaches central computer (ID server) receiving the program signatures and associated time-of-broadcast codes from the field monitor (analysis module) to determine the identity of the broadcast program (unknown work) using the broadcast signatures (representation).

As per claim 2, Lert1 teaches the system of claim 1, wherein said at least one analysis module further includes an input port (Fig. 1 element 24) configured to receive said unknown work from at least one networked source (Fig. 1 element 20) (column 10 lines 10-17)

The reference teaches field monitor (Fig. 1 element 26) (one analysis module) has an input port (fig. 1 element 24), which receives the program (unknown work) from the broadcast station when it comes on the network feed (networked source).

As per claim 3, Lert1 teaches the system of claim 1, wherein said at least one analysis module further includes an input port (Fig. 1 element 24) configured to receive

said unknown work from at least one broadcast source (Fig. 1 element 20)(column 10 lines 10-17)

The reference teaches field monitor (Fig. 1 element 26) (one analysis module) has an input port (fig. 1 element 24), which receives the program (unknown work) from the broadcast station (broadcast source).

As per claim 4, Lert1 teaches the system of claim 1, wherein said at least one analysis module further includes an input port configured to receive said unknown work in the form of a pre-broadcast digital form (column 10 lines 10-25).

The reference teaches the previously recorded program on the video will be broadcasted (pre-broadcast digital form) and is sent to the field monitor (analysis module) through the input port.

As per claim 6, Lert1 teaches the system of claim 1, wherein said network comprises the Internet (Fig. 2 element 68, 27)(Fig. 1 element 26,27,28).

The reference teaches the field monitor comprising a modem with a telecommunication link to the central computer therefore it is inherent that the ID server and analysis module are coupled to internet because the generally a modem is used to connect to the internet.

As per claim 7, Lert1 teaches the system of claim 1, wherein said representation comprises feature vectors. (Column 12 lines 65-67)(Column 13 lines 1-12)

The reference teaches the representation of the program comprises 4 32-point feature vectors (feature vectors).

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As per claim 8, Lert1 teaches the system of claim 1, wherein said representation comprises a spectral representation of said unknown work (column 12 lines 41-51)

The reference teaches the audio portion of the program signal is used and the spectral representation of the audio signal of the program is made.

As per claim 11, Lert1 teaches the system of claim 1, wherein said representation comprises a bit calculated key (column 15 lines 25-51).

As per claim 13, Lert1 teaches the system of claim 1, wherein said representation includes a spectral representation of said ID server is configured to identify said unknown work using said spectral representation of said unknown work (column 15 lines 25-64).

The reference teaches audio signal having spectral representation and computer (ID server) receiving the audio signal for detection (identify) using spectral representation.

As per claim 16, Lert teaches the system of claim 1; wherein said ID server is configured to identify said unknown work using a bit calculated key (column 15 lines 25-51)

As per claim 17, Lert1 teaches the system of claim 1, wherein said at least one analysis modules are further configured to receive a plurality of streaming sources (Fig. 1 element 20) for analysis at a single location (Fig. 1 element 28)(column 10 lines 10-32)

The reference teaches broadcasting station (Fig. 1 element 20) and is received at central computer after it has passed through field monitor.

As per claim 18, Lert1 teaches the system of claim 1, at least one analysis module is further configured to receive a plurality of streaming sources for analysis a plurality of different access points of the network (Fig. 1 element 26 on the right hand side) (column 11 lines 18-36)(column 11 lines 61-65).

The reference teaches broadcasting station (Fig. 1 element 20) and is received at a second field monitor and then to the central computer. The second field monitor also creates program signatures then passes to the central computer.

As per claim 19, Lert1 teaches the system of claim 1, wherein said at least one analysis module is configured to provide said representations to said at least one ID server at a predetermined time interval (column 25 lines 3-17, lines 22-31)

As per claim 22, Lert1 teaches the system of claim 19, wherein said at least one analysis module is configured to provide said representation to said at least one ID server responsive to receiving said signals and generating said representation (column 10 lines 10-33)

The reference teaches sending the broadcast signatures to the central computer (ID server) from the field monitor (analysis module) after the field monitor receives signals from the broadcasting station and then creating signatures (representation) and sending it to the ID server.

As per claim 23, Lert1 teaches the system of claim 19, wherein said at least one analysis module is configured to provide said representations to said at least one ID server based on an out-of-band event (column 10 lines 13-32).

The reference when the cue is detected in the signal (out-of band event) in the field monitor (analysis module) the representation is provided.

As per claim 26, Lert1 teaches the system of claim 1, wherein said at least one ID server is further configured to provide an identification of said unknown work back to said at least one analysis module that transmitted said representation (column 11 lines 18-50)

As per claim 31, Lert1 teaches a method for automatically generating a playlist comprising:

- receiving, by at least one analysis module, an unknown work (column 10 lines 10-20);
- generating, by said at least one analysis module, a representation of said unknown work (column 10 lines 26-32);

The reference teaches field monitor (analysis module) receiving the broadcast signals which consists of broadcast program (unknown work) to derive the identify of unknown program identity. The broadcast program (unknown work) is sent to the system's central computer (ID server) by telecommunication link (over network).

- sending, by said at least one analysis module, said representation to at least one identification server over a network (column 10 lines 38-44)(Fig. 2 element 27,68)

The reference teaches central computer (ID server) receiving the program signatures and associated time-of-broadcast codes from the field monitor (analysis module) to determine the identity of the broadcast program (unknown work) using the broadcast signatures (representation).

As per claim 32, Lert1 teaches the method of claim 31, further comprising the act of identifying, by said identification server, said unknown work based upon said representation (column 10 lines 26-38)(column 10 lines 48-64)

The reference teaches central computer receiving the broad program signatures (representation) and identifying them by using the signature and comparing it with the reference signatures.

As per claim 33, Lert1 teaches the method of claim 32, further comprising the act of storing said identification in a playlist database (column 11 lines 23-36)

The reference teaches storing the identifications in the central computer memory (database).

As per claim 34, Lert1 teaches the method of claim 32, further comprising the act of sending, by said identification server, said identification to said at least one analysis module (column 11 lines 18-50).

As per claim 37, Lert1 teaches the method of claim 31, wherein said network is Internet (column 10 lines 26-32)(Fig. 2 element 68, 27)

The reference teaches field monitor sending the program signatures to the central computer through the telecommunication link and using the modem, which is inherent since a modem is used and the program signatures are going through the telecommunication link that the network is Internet.

As per claim 38, Lert1 teaches the method of claim 31, wherein said act of generating said representation comprises generating feature vectors of said unknown work (Column 12 lines 65-67)(Column 13 lines 1-12).

The reference teaches the generating representation of the program comprises generating 4 32-point feature vectors (feature vectors).

As per claim 39, Lert1 teaches the method of claim 31, wherein said act of generating said representation comprises a spectral representation of said unknown work (column 12 lines 41-51).

The reference teaches the audio portion of the program signal is used and the spectral representation of the audio signal of the program is generated.

As per claim 42, Lert1 teaches the method of claim 31, wherein said representation comprises a bit calculated key of unknown work (column 15 lines 25-51).

As per claim 43, Lert1 teaches the method of claim 32, wherein said act of identifying is performed using feature vectors in said representation. (Column 12 lines 65-67)(Column 13 lines 1-12).

The reference teaches the representation of the program comprises 4 32-point feature vectors (feature vectors).

As per claim 44, Lert1 teaches the method of claim 32, wherein said act of identifying is performed using a spectral representation of said unknown work (column 12 lines 41-51).

The reference teaches the audio portion of the program signal is used and the spectral representation of the audio signal of the program is made.

As per claim 47, Lert1 teaches the method of claim 31, wherein said act of identifying is performed using bit calculated key of the unknown work (column 15 lines 25-51).

As per claim 48, Lert1 teaches the method of claim 1 wherein said act of receiving, by at least one analysis module, an unknown work includes receiving a plurality of streaming sources (Fig. 1 element 20) for analysis at a single location (Fig. 1 element 28) (column 10 lines 10-32)

The reference teaches broadcasting station (Fig. 1 element 20) and is received at central computer after it has passed through field monitor.

As per claim 49, Lert1 teaches the method of claim 31, wherein said act of receiving, by at least one analysis module, an unknown work includes receiving a plurality of streaming sources for analysis at different access points of the network (Fig. 1 element 26 on the right hand side) (column 11 lines 18-36)(column 11 lines 61-65).

The reference teaches broadcasting station (Fig. 1 element 20) and is received at a second field monitor and then to the central computer. The second field monitor also creates program signatures then passes to the central computer.

As per claim 50, Lert1 teaches the method of claim 31, wherein said act of sending, by said at least one analysis module, said representation to at least one identification server is performed responsive to generating said representation (column 10 lines 10-33)

The reference teaches sending the broadcast signatures to the central computer (ID server) from the field monitor (analysis module) after the field monitor receives signals from the broadcasting station and then creating signatures (representation) and sending it to the ID server.

As per claim 52, Lert1 teaches a playlist generation system comprising:

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-means for receiving an unknown work over a network (column 10 lines 10-20)

(Fig. 2 element 27,68,50)

-means for generating a representation of said unknown work (column 10 lines 26-32); and

-means for sending said representation to at least one identification server over a network (column 10 lines 38-44).

As per claim 53,54, it teaches same as claims 32,33 respectively therefore rejected under same basis.

As per claim 55, Lert1 teaches the system of claim 54, further including means for sending said identification from said at least one identification server to said at least one analysis module over said network (column 11 lines 18-50).

As per claim 58, Lert1 teaches the system of claim 52, further including means providing an identification of said unknown work back to the at least one analysis module responsive to identification of said work from said representation (column 11 lines 18-50).

As per claim 59, Lert1 teaches a playlist generation system comprising:

-means for receiving an unknown work (column 10 lines 10-20);

-means for generating a representation of said unknown work (column 10 lines 26-32);

-means for sending said representation to at least one identification server over a network (column 10 lines 38-44)(Fig. 2 element 27,68). and

-means for sending an identification of said representation to at least one other computer system over said network (column 12 lines 2-20)(column 10 lines 38-44)

5. Claims 20,21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lert1 in view of "Official Notice".

As per claim 20, Lert1 teaches the system of claim 19, but does not explicitly teach predetermined time interval comprises at least once a day. "Official Notice" is taken that providing representations at a predetermined time interval, which comprises at least once a day, is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to implement Lert1's system with providing representations at a predetermined time interval which is at least once a day in order to provide representations at an exact time interval at which the representation will be provided.

As per claim 21, Lert1 the system of claim 19, but does not explicitly teach said predetermined time interval comprises approximately once an hour. "Official Notice" is taken that providing representations at a predetermined time interval, which comprises approximately once an hour is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of applicant' invention to implement Lert1's system with providing representations at a predetermined time interval which is approximately once an hour in order to provide representations at an exact time interval at which the representation will be provided.

6. Claims 24,25,27,28,51,56 and 57 are rejected under 35 U.S.C. 103(a) as being

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unpatentable over Lert1 in view of Chowdhury et al. U.S. Patent # 6,026,439 (hereinafter Chowdhury).

As per claim 24, Lert1 teaches the system of claim 1, identified works including said identification of said unknown work determined from said representation (column 11 lines 31-36) but fails to teach wherein said ID server is further configured to generate a playlist. Chowdhury teaches ID server is further configured to generate a playlist of identified works (column 3 lines 54-66). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement Chowdhury's invention in Lert1's invention to come up with a server configured to generate a playlist which has identification determined from representation. The motivation for doing so would have been because one can listen or watch the identified work in the playlist, which could be a song or a video continuously.

As per claim 25, Lert1 teaches the system of claim 1, wherein said ID server is configured to each said representation received from each at least one analysis module connected to the network responsive to identification of each said unknown work from each said representation (column 10 lines 10-33) but fails to teach, wherein said ID server is further configured to generate a playlist of identified works. Chowdhury teaches wherein said ID server is further configured to generate a playlist of identified works (column 3 lines 33-45)(column 3 lines 54-66). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement Chowdhury's invention in Lert1's invention to come up with a server configured to generate a playlist each representation received from the at least one analysis module connected to the

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network. The motivation for doing so would have been to generate a playlist a lot faster because there representation are received directly from the analysis module where the identified works will be coming from to create a playlist.

As per claim 27, Lert1 teaches the system of claim 18, to update identified works with an identification of said work of said representation responsive to identifying a representation (column 10 lines 10-33)(column 11 lines 31-36) but fails to teach update a playlist of identified works. Chowdhury teaches update a playlist of identified works (column 11 lines 18-27). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement Chowdhury's invention in Lert's invention to come up with updating a playlist with identification responsive to identifying a representation. The motivation for doing so would have been to classify the identified work and put it into playlist so it would not go through the identification process again.

As per claim 28, Lert1 teaches the system of claim 27, wherein said at least one ID server is further configured to provide an identification of said unknown work back to said at least one analysis module that transmitted said representation responsive to identification of said unknown work from said representation (column 11 lines 18-50)

As per claim 51, Lert1 teaches a method for automatically generating a playlist comprising:

- receiving a representation of an unknown work over a network (column 10 lines 10-20)(Fig. 2 element 27,68)

-identifying said unknown work using said representation (column 10 lines 38-44); but fails to teach updating a playlist with an identification of said representation. Chowdhury teaches updating a playlist with an identification of said representation (column 11 lines 18-27). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement chowdhury's invention into Lert1's invention to come up updating a playlist with identification. The motivation for doing so would have been to classify the identified work and put it into playlist so it would not go through the identification process again.

As per claim 56, it teaches same limitation as claim 25, therefore rejected under same basis.

As per claim 57, it teaches same limitations as claim 27, therefore rejected under same basis.

7. Claims 9,10,14,15,40,41,45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lert1 et al. in view of Lai et al. U.S. Patent # 6,006,183 (hereinafter Lai).

As per claim 9, Lert1 teaches the system of claim 1, but fails to teach the representation comprises the text output of a speech recognition system. Lai teaches representation comprises the text output of a speech recognition system. (Column 4 lines 1-11). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Lai in the invention of Lert1 in order to come up with corresponding representation comprising text output. The motivation for doing so

would have been to assign score to the words or text from the output. (Column 4 lines 1-11).

As per claim 10, Lert1 teaches the system of claim 1, but fails to teach the representation comprises the musical score output of a music transcription system. Lai teaches representation comprises the musical score output of a music transcription system (Column 4 lines 1-25). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Lai in the invention of Lert1 in order to come up with corresponding representation comprising musical score output. The motivation for doing so would have been because score reflects the level of confidence of the translation of the corresponding representations. (Column 4 lines 1-25).

As per claim 14, Lert1 teaches the system of claim 1, but fails to teach ID server is configured to identify unknown work using the text output of a speech recognition system. Lai teaches ID server is configured to identify unknown work using the text output of a speech recognition system. (Column 4 lines 1-11). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Lai in the invention of Lert1 in order to identify the unknown work using text output. The motivation for doing so would have been to assign score to the words or text from the output (column 4 lines 1-11).

As per claim 15, Lert1 teaches the system of claim 1, but fails to teach ID server is configured to identify unknown work using the musical score output of a music transcription system. Lai teaches ID server is configured to identify unknown work

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using the musical score output of a music transcription system (column 4 lines 1-25). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Lai in the invention of Lert1 in order to identify the unknown work using musical score output. The motivation for doing so would have been because score reflects the level of confidence of the translation of the corresponding representations of the unknown work (Column 4 lines 1-25).

As per claim 40, Lert1 teaches the method of claim 31, but fails to teach wherein said act of generating said representation comprises the text output of said unknown work from a speech recognition system. Lai teaches generating representation comprises the text output of unknown work from a speech recognition system (Column 4 lines 1-11). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Lai in the invention of Lert1 in order to come up with corresponding representation comprising text output of the unknown work. The motivation for doing so would have been to assign score to the words or text from the output (column 4 lines 1-11).

As per claim 41, Lert1 teaches the system of claim 31, but fails to teach the representation comprises the musical score output of a music transcription system. Lai teaches representation comprises the musical score output of a music transcription system. (Column 4 lines 1-25). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Lai in the invention of Lert1 in order to come up with corresponding representation comprising musical score output. The motivation for doing so would have been because score reflects the level of

confidence of the translation of the corresponding representations. (Column 4 lines 1-25).

As per claim 45, Lert1 teaches the method of claim 31, but fails to teach wherein said act of identifying is performed using the text output of said unknown work from a speech recognition system. Lai teaches identifying is performed using the text output of unknown work from a speech recognition system (Column 4 lines 1-11). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Lai in the invention of Lert1 in order to come up with identifying using text output of the unknown work from a speech recognition system. The motivation for doing so would have been to assign score to the words or text from the output (column 4 lines 1-11).

As per claim 46, Lert1 teaches the method of claim 32, but fails to teach wherein said act of identifying is performed using the musical score output of a music transcription system. Lai teaches identifying is performed using the musical score output of a music transcription system (column 4 lines 1-11). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Lai in the invention of Lert1 in order to come up with identifying using musical score output of a music transcription system. The motivation for doing so would have been because score reflects the level of confidence of the translation of the corresponding representations (Column 4 lines 1-25).

8. Claims 29 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Lert1 and Chowdhury et al. as applied to claims 27 and 34 respectively above, and further in view of Brouwer et al. U.S. Patent # 6,279,124 (hereinafter Brouwer).

As claim 29, Lert1 and Chowdhury teaches the system of claim 27, wherein said at least one analysis module is further configured to but does not explicitly teach purge said representation responsive to said identification received. Brouwer teaches purging a representation responsive to said identification is received (column 30 lines 40-50). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to implement Brouwer invention in the invention of Lert1 and Chowdhury's invention to purge the representation. The motivation for doing so would have been to recover drive space or because it has been saved into back up media.

As per claim 35, Lert1 teaches the method of claim 34, further comprising the act purging, by said at least one analysis module, at least one file corresponding stored to said identification. Brouwer teaches the act purging, by said at least one analysis module, at least one file corresponding stored to said identification (column 30 lines 40-50). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement Brouwer invention in the invention of Lert1 and Chowdhury to purge at least one file corresponding to the identification. The motivation for doing so would have been to recover drive space or because it has been saved into back up media.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

- a). "Speech Recognition Confidence level display" U.S. Patent # 6,006,183 by Lai, Jennifer.
- b). "Method and system for testing hardware and/or software applications U.S. Patent # 6,279,124 by Brouwer, Derek.
- c). "Broadcast program identification method and system" by Lert Jr. et al. U.S. Patent # 4,230,990.
- d). "File transfers using playlists" U.S. patent # 6,026,439 by Chowdhury, Shyamal.

10.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

11.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhairya A. Patel whose telephone number is (571) 272-4066. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAP


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER